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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

New York, New York

Rudolf Buck, et al.

Date: February 7, 1996

Serial No.: 08/556,769

Group Art Unit:

Filed: November 2, 1995

Examiner:

For: TWIN WIRE FORMER

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicants are submitting the documents listed in the attached PTO Form 1449 for consideration by the Examiner. These documents were all previously cited by or submitted to the Office in applicant's related applications Serial Nos. 08/055,918 and 08/286,948.

Also, enclosed is an Information Disclosure Statement dated May 23, 1994, which was filed in the related applications and which describes the relevance of certain of the documents including the non-English language documents, and also discusses an alleged prior use/sale brought to applicant's attention by an opposer in an opposition proceeding in the European Patent Office.

In accordance with 37 C.F.R. §1.98(d), copies of the documents are not being provided.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on February 7, 1996:

Respectfully submitted,

Martin Pfeffer, Esq.

Name of applicant, assignee or
Registered Representative

Signature

February 7, 1996

Date of Signature

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Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Rudolf Buck et al.

New York, New York

Date: May 23, 1994

Serial No.: 08/055,918

Group Art Unit: 1303

Filed: April 29, 1993

Examiner: Karen Hastings

For: TWIN WIRE FORMER

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicants are submitting the following patent documents for consideration by the Examiner:

Patent Documents

1. European A 0 296 135
2. US A 4 532 008
3. German A 3 321 406
4. European A 0 306 759
5. US A 4 769 111
6. German A 3 628 282
7. German A 3 329 833
8. WO 86/04368
9. European A 0 289 445

These documents were cited in an opposition proceeding in the European Patent Office regarding a counterpart of the above-identified application.

The relevance of the documents as alleged by the opposer is as follows:

1. Patent document 1 has been cited to show a twin wire former in which in the first section of the twin wire zone the wires 10 and 20 travel over a rotating forming cylinder 21. Dewatering strips or battens 111 and 112 rest against the wire 20 in the upper wire loop and battens 101, 102 and 103 rest against the belt in the lower wire loop. Although the battens can be adjusted perpendicular to the plane of the wire, the battens are rigidly and not flexibly supported. In the third section of the twin zone the wire belts travel over stationary dewatering components constituted by a forming shoe 14 and a flatbox 16.

Among the differences recognized by the opposer are a) that the suspension in the twin wire former which is the subject of the above-identified application is fed directly into the intake gap whereas in patent document 1, a single wire preliminary dewatering part is provided upstream of this gap (i.e., the former in patent document 1 is a hybrid former), and b) the dewatering battens in one of the two wire belts of the invention of the present application are flexibly supported whereas no such flexible support is present in the former disclosed in patent document 1.

2. Patent document 2 was cited for the same reasons advanced above in connection with patent document 1 and has the same deficiencies. In particular, in patent document 2 in the first section of the twin wire zone two wires travel over a dewatering element ("foil box") 22' with a curved top. In this section, the wire belts create a wedge-shaped intake gap. In the second section of the twin wire zone, several dewatering battens 52 with positions that can be adjusted rest against a wire belt in the upper wire loop and several dewatering battens 50 rest against the wire belt in the lower wire loop. The upper and lower dewatering battens are mutually displaced along the wire. In the third section of the twin wire zone, the belts travel over a dewatering component formed of a flat box ("suction box") 85.

Again, as in the case of patent document 1, patent document 2 discloses a hybrid twin wire former in which there is a single wire preliminary dewatering section upstream of the twin

wire zone and also discloses rigidly supported battens or dewatering strips.

3. Patent document 3 was cited to show a twin wire former in which the stock is introduced into an intake gap.

4. Patent documents 4, 5 and 6 have been cited to show flexibly supported battens in a twin wire former. The battens, however, are not displaced as set forth in applicants' invention. Additionally, the twin wire formers of documents 4, 5 and 6 are hybrid twin wire formers having respective single wire dewatering sections upstream of the twin wire zone.

5. Patent documents 7, 8 and 9 were cited as showing the state of the art. However, it is noted that the characteristic of direct introduction of suspension to the wedge-shaped intake gap from the head box is missing, as is any disclosure regarding use of battens and of course, any disclosure regarding the positioning or flexibility of the battens.

Additional Information

In addition to the patent documents noted above, opposer also cited the machine shown in Attachments A and B which opposer alleges was manufactured by opposer, Valmet Paper Machinery, Inc. of Helsinki, Finland and shipped to the James River Corporation of Clatskanie, Oregon. According to opposer, the twin wire former illustrated in Attachments A and B was operated for the first time on February 1, 1989. The various components of the twin wire former in Attachment B and C are assigned the same reference numerals used to specify the allegedly similar components of the embodiments set forth in applicants' application. Attachment B illustrates in larger scale the detail designated X of Attachment A.

The characteristics of the twin-wire former illustrated in Attachments A and B according to opposer are as follows:

"Two wire belts 11 and 12 together constitute a twin-wire part.

In the first section of the twin-wire part is a curved dewatering component in the form of a rotating cylinder 40, which

wire belts 11 and 12 travel over. Between the two wire belts 11 and 12 in this first section is a wedge-shaped stock-intake gap 15. Upstream of stock-intake gap 15 is a headbox 10, which introduces the suspension directly into gap 15.

In another section downstream of the first section, two dewatering battens 27 rest against wire belt 11. Many dewatering battens 28 also rest against wire belt 12 in the second section of the twin-wire part. The more upstream batten 27 rests against the wire belt 11 between facing battens 28. The more downstream batten 27 rests against belt 11 downstream of the most downstream batten 28. Battens 27 and 28 are accordingly mutually displaced along the wire.

In a third section of the twin-wire part, wire belts 11 and 12 travel over three stationary dewatering components in the form of flatboxes 31.

The structure of and means of support for battens 27 is illustrated in detail in Attachment B. Batten 27 is secured to a support that pivots on a component secured to the overall device. Between that component and the support is a pneumatically pressurized hose. The forces transmitted to the support by the hose, downward in Attachment B, shift batten 27 into the position represented by the dot-and-dash lines. From this position the batten can be raised into the position represented by the continuous lines in opposition to the force exerted by the hose. Batten 27 is accordingly flexibly supported. This is true of both the battens 27 illustrated i Attachment A."

In connection with the former illustrated in Attachments A and B, applicants would like to point out that of the two upper battens 27, the first batten 27 lies opposite the lower batten 28 in the lower wire loop and at least partly overlaps. Accordingly, the battens 27 and 28 are not offset and not in opposing relationship. The second batten 27 is located so far away from the bank of battens 28 that there is no cooperation between the second batten 27 and the bank of battens 28. Indeed, the second batten 27 is so far removed from the lower battens 28

that in effect one could consider it to be located outside of the second section as defined in applicants' claims.

In addition, it is proposed to amend applicants' claims to specify that the last one of the second drainage strips (the fixed strips 28) are located downstream of the last one of the first drainage strips (i.e. the flexibly supported strips 27). In contrast, assuming arguendo that the second batten 27 or alleged flexible strip of the former of Attachments A and B is considered to be part of the second section, it is located downstream of the last one of the fixed battens 28 and, therefore, does not meet this added limitation of applicants' claims but, instead, teaches away therefrom.

Turning now to the question of whether the twin wire former of Attachments B and C is prior art, applicants note that other than opposer's allegation, no proof has been offered nor is presently available to applicants regarding whether the twin wire former shown in Attachments A and B is the same as the twin wire former which it is alleged was put into use by James River Corporation on February 1, 1989, nor are there any facts available to applicants from which applicants can determine that such use was either a public use or that such wire former had been sold or was on sale. In any event, applicants believe that they patentably distinguishes over the twin former in Attachments A and B as discussed above. In addition, there is no teaching in the wire former of Attachments A and B of the thickness or spacing of the draining strips as set forth in applicants' claim 16.

Certification

I certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Petition

Applicants hereby petition pursuant to 37 C.F.R. \$1.97(d)(1)(ii) that this Information Disclosure Statement be considered. A check in the amount of \$130 is enclosed for the petition fee required by 37 C.F.R. \$1.97(d)(1)(iii) and \$1.17(i)(1). If any additional fees are due, you are authorized to charge the same to the undersigned's deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on May 23, 1994:

Martin Pfeffer

Name of applicant, assignee or
Registered Representative

Signature

May 23, 1994

Date of Signature

Respectfully submitted,

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